

REMARKS

Initially, applicants would like to express their appreciation to Examiner Hai V. Tran for the courtesies extended to attorney James Milton during a telephone conversation on February 7, 2007. The interview involved a discussion of the rejection of claim 1 under 35 U.S.C. § 102(e). During the telephone conversation, Examiner Tran provided more details for the rejection. No agreement was reached.

Claims 1-12, 21-36 and 38 are pending. Claims 1-12 and 21-36 were rejected under 35 U.S.C. § 102(e). Claim 38 was rejected under 35 U.S.C. § 103(a).

Rejections Under 35 U.S.C. § 102(e)

Claims 1-12 and 21-36 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Number 2002/0021711 issued to Gummalla et al. dated February 21, 2002.

Applicants have avoided this ground of rejection for the following reasons.

Applicants' claim 1, as amended, now recites,

 sending one or more upstream signals as pulse code modulated data without packet headers using an upstream cable protocol;

 sending one or more downstream signals as pulse code modulated data without packet headers using a downstream cable protocol; and

 enclosing the one or more downstream signals as the pulse code modulated data without application-level packet headers in a Motion Pictures Experts Group (MPEG) transport, while limiting use of echo cancellation and jitter buffering.

Gummalla does not teach this limitation. This is because Gummalla does not teach echo cancellation or limiting the use of echo cancellation. Thus, Gummalla is missing the "limiting use of echo cancellation and jitter buffering" elements, as recited in applicants' claim 1.

Applicants note that U. S. Patent Application Number 2001/0053152 issued to Grossman, as incorporated by Gummalla, does not teach the limitation either. This is because Grossman, similar to Gummalla, does not teach echo cancellation or limiting the use of echo cancellation. Thus, Grossman, similar to Gummalla, is missing the "limiting use of echo cancellation and jitter buffering" elements, as recited in applicants' claim 1.

Thus, the clear teaching of Gummalla is that the use of echo cancellation and jitter buffering is not limited.

Therefore Gummalla does not teach all of the limitations in applicants' claim 1, and therefore claim 1 is not anticipated by Gummalla. Since claims 2-12 depend from allowable claim 1, these claims are also allowable over Gummalla.

Independent claims 21 and 28 each have a limitation similar to that of independent claim 1, which was shown is not taught by Gummalla. For example, claims 21 and 28 recite, "limiting use of echo cancellation and jitter buffering". Gummalla does not teach these limitations for the above-mentioned reasons. Therefore, claims 21 and 28 are likewise allowable over Gummalla. Since claims 22-27 depend from claim 21, and claims 29-36 depend from claim 28, these dependent claims are also allowable over Gummalla.

Rejections Under 35 U.S.C. § 103(a)

Claim 38 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Number 2002/0021711 issued to Gummalla et al. dated February 21, 2002 in view of U.S. Patent Number 7,164,690 issued to Limb et al. on January 16, 2007.

Applicants respectfully traverse these grounds of rejection.

Claim 38 depends from claim 1. Gummalla does not teach or suggest "limiting use of echo cancellation and jitter buffering", as recited in claim 1. Limb does not teach or suggest the elements either. Thus, claim 38 is allowable over the proposed combination under 35 U.S.C. § 103(a).

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Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

In view of the above amendments and remarks, allowance of all claims pending is respectfully requested. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicants' attorney.

Respectfully submitted,



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